

FROM THE WELFARE STATE TO THE JUSTICE STATE: A PROPOSAL FROM MORAL THEOLOGY

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Sumario: La crisis económica actual está cuestionando el modelo del Estado social europeo. En países como España las reformas económicas están de hecho cambiando este modelo social. Una respuesta constructiva a estas preguntas requiere establecer unas condiciones sociales mínimas que el Estado debe asegurar, lo que Adela Cortina llama el Estado de la Justicia, así como algunas prioridades para orientar el gasto público. La tradición moral católica nos ayuda a encontrar estos requisitos, particularmente la teoría de la justicia de David Hollenbach. Hollenbach, a partir de la tradición de la teología moral, propone unos mínimos para el gasto social basados en los requisitos de los derechos humanos y una serie de prioridades basadas en la opción por los pobres. Sin embargo, la propuesta de Hollenbach debe ser actualizada para afrontar los desafíos actuales. En este sentido, es fácil desarrollar su modelo añadiendo a él dos elementos: las migraciones globales y el cuidado de la creación. Este artículo ofrece finalmente un desarrollo de las prioridades de Hollenbach para incluir estos dos elementos. Por lo tanto, este artículo muestra como la tradición moral ofrece recursos y un marco moral para responder a la demanda de Adela Cortina de transformar el Estado del bienestar en un Estado de la justicia.

Summary: The present economic crisis is questioning the European model of social State. In countries like Spain the economic reforms are at times actually changing this social model. A constructive answer to this questioning requires establishing the minimal social conditions the State should assure, what Adela Cortina calls a justice State, as well as some priorities in order to direct public expenses. The Catholic moral tradition helps us find these requirements, in particular David Hollenbach's theory of justice. Hollenbach, drawing from moral theology, proposes a minimum for social expenses based on the requirements of human rights and a set of priorities based on the option for the poor. However, Hollenbach's proposal should be updated to answer today's challenges. In this sense, it is easy to develop his model in order to add too new social elements: the global migrations and the care for creation. This article offers finally a development of Hollenbach's set of priorities in order to include these two elements. Therefore, this article shows how the tradition of moral theology offers us actual resources and a moral framework to consider Adela Cortina's demand of developing the welfare State into a justice State.

Palabras clave: ciudadanía, bienestar, justicia, bien común, migraciones, ecología

Keywords: mediator Citizenship, welfare, justice, common good, migrations, ecology

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The present economic crisis in Spain is producing a big social change in the country. The terrible economic recession Spanish society is going through, at an unemployment rate of 25.93% in 2014 (Instituto Nacional de Estadística 2014), has made it realize that the standard of living of the last few years was not affordable. In the worst moments of the crisis, what caught the attention of the European Union was that the public deficit reached 11%. Among many other measures, the European Union has obliged the Spanish government to reduce public expenditure in order to reduce this deficit. This necessary reduction in public expenditure has led the government to reduce many social help programs that had been established all over the country.

All this creates a confusing situation and, at the same time, an awareness of the need to reduce unnecessary costs. There is as well a suspicion that some groups are profiting from this situation in order to change the main social consensus in Spanish society. The 1978 Spanish Constitution begins by defining Spain as a “social and democratic State of Law”. In these terms, the constitution explicitly opted for a social market economy model. With today’s changes, this model could be transformed into a radically liberal state. This confusion and suspicion are generating anger and violent reactions amid a general climate of social unrest. There is, therefore, the need to introduce some light on the present situation and some moral reflection to help evaluate it.

The Editorial Board of the *Revista de Fomento Social*, a social science journal of the Society of Jesus in Spain, confronts this matter in an article in a recent issue¹. The board describes the present Spanish economic situation and how it apparently contradicts the main principles of the social State. The board considers the social State that ensures a minimum quality of life to every citizen as “an achievement of western civilization” and its dismantling as “a historical regression”². Therefore they consider the social State to be a model of social organization that is non-renounceable.

Nevertheless, in the article the authors admit that there are legitimate objections to the present model of the social State. The way this model has been implemented involves the State taking over many private activities, thereby incurring an enormous increase in bureaucracy. All this implies huge public expenses which demand a significant rise in taxes. Finally, this model has led to the omnipresence of the State in society which has produced a passive attitude in its citizens³. All these criticisms of the current practice of the welfare State justify the demand for a reduction in the size of the State and, therefore, in public expenditure. The challenge would then be to look for other ways to approach the situation of economic crisis and reduce public expenses without changing the socio-economic model. In this sense, the author’s proposal is to start an open reflection in order to seek, at the same time, some minimum social support from the State that cannot be put into question, and some criteria to set priorities in order to fund other social aid⁴.

¹ “Crisis Económica Y Derechos Sociales Irreductibles. Valor de La Dignidad Humana Como Criterio Para Los Derechos Sociales”: *Revista de Fomento Social* 271 (2013) 179–201.

² *Ibid.*, 198.

³ *Ibid.*, 188.

⁴ *Ibid.*, 181.

This position of the *Revista de Fomento Social* follows the same route as other voices in the Catholic Church in Europe who would like to provide an answer to the present economic crisis without renouncing the current social model. The Commission of the Bishop's Conferences of the European Community issued a document defending this social model in 2012, which they identified with a social market economy as mentioned in the Treaty of Lisbon (Commission of the Bishop's Conferences of the European Community 2012, par. 6). The bishops define social market economy as an economy which, in their words, "links the principle of a free market and the instrument of a competitive economy to the principle of solidarity and to mechanisms designed to serve the interests of greater social equality" (Commission of the Bishop's Conferences of the European Community 2012, para. 1). Therefore, it is evident that there is a common search on the European Catholic front for socioeconomic models that are able to cope with today's demands on the globalized economy and at the same time respect the social concern inspired by faith.

As on other recent occasions in Spanish history, today moral theology may also contribute strongly to this social debate. During the last years of Franco's regime, the reflections of moral theology on religious freedom and political pluralism pushed by Vatican II helped to move Spanish society toward democracy. Today we can turn again toward moral theology for insights into the possibilities and limitations of the social State in order to reform it. Delving into this tradition may help to shed some light on today's debate.

This article will first present a section on political philosophy to evaluate the present situation of the Spanish social State: Adela Cortina's justice State. It will then connect Cortina's view and David Hollenbach's theory of justice, a political thought embedded in moral theology tradition. From Hollenbach's view, first it will try to find the minimum social conditions that should be assured and, second, some criteria in order to establish social expenditure priorities. These two elements – minimum social conditions and expense priorities – are an important contribution that moral theology can make to the current Spanish debate.

1. Adela Cortina's justice State

When trying to reflect on these issues, the article in the *Revista de Fomento Social* points to the work of one of today's main Spanish moral philosophers, Adela Cortina⁵. Cortina began to reflect on the limitations and dysfunctions of the welfare State model at the end of the 1990's. Cortina's thought, with many links to a liberal approach to society and to Habermas, thus represents an authoritative voice in the Spanish intellectual world as she was already a very influential ethical philosopher in the first stages of Spanish democracy and its evolution.

Cortina, in her book *Ciudadanos del mundo*⁶, attempts to review present-day challenges related to the concept of citizenship. For her, citizenship is a major political

⁵ *Ibid.*, 192.

⁶ A. CORTINA, *Ciudadanos Del Mundo. Hacia Una Teoría de La Ciudadanía*, Alianza Editorial, Madrid 1998.

concept in philosophy today because it is necessary to help people to adapt the reality of their own society⁷. In our present individualistic societies, generating a feeling of belonging and adhesion to society is a real challenge, and citizenship is an intellectual resource to help in that direction. Among the problems Cortina identifies in today's understanding of citizenship is the present crisis of the welfare state. In today's world, citizenship is necessarily linked to a minimum of social and economic conditions. Therefore, the present incapability of the welfare State to maintain these social minimums questions the idea of citizenship itself and requires us to look for new answers⁸ (Cortina 1998, 36)

Cortina quotes Thomas H. Marshall when defending that today's citizenship necessarily includes civic, political and social rights and therefore can be called social citizenship. Up to now the model of the welfare State was that which ensured the conditions of this social citizenship. However, the present crisis of the model and the criticism it has received demand that we try to find a new model.

For our author, a model of citizenship where the States recognize social rights and assume a minimum in terms of the living conditions of their citizens is considered a matter of justice and is non-renounceable. However, the model of the welfare State has often tried to ensure much more than just decent social conditions: it has tried to ensure people's welfare⁹. While justice includes some minimal social conditions, it does not necessarily include "welfare" understood as guaranteeing an unlimited and ever-growing need for satisfaction. The effort to ensure this satisfaction is often at the root of a main criticism of the welfare State: the excessive public intervention of the welfare State which induces people to passivity.

In these reflections of the Spanish philosopher, her deception with the recent evolution of Spanish democracy can be perceived. It is interesting to see that Cortina wrote these lines well before the present economic crisis, which proves that her views were quite visionary. In her book, Cortina criticizes the way the ideal of Spain as a "social and democratic State of right", as the Spanish 1978 Constitution defines it, has developed. For her, this ideal has evolved towards what she calls an "electoral State"¹⁰ where the party in power uses public resources to distribute favors just in order to obtain votes in the next election.

Trying to make headway in overcoming this situation, Cortina proposes substituting the idea of a welfare State with what she calls a justice State. In this model of the justice States, the government would be responsible for ensuring minimum and decent social conditions that spring from justice and human dignity. However this minimum is never expected to satisfy the individual's unlimited desire for welfare¹¹. This idea requires reaching a consensus on which minimum social conditions are to be ensured.

⁷ *Ibid.*, 22.

⁸ *Ibid.*, 66.

⁹ *Ibid.*, 78-80.

¹⁰ *Ibid.*, 72.

¹¹ *Ibid.*, 84-88.

Therefore, as the *Revista de Fomento Social's* article and Adela Cortina's reflections point out, there is a growing consensus on the need to discuss the minimum social conditions that should be ensured by the State in these times of shrinking public budgets. This consensus will allow a more just direction to be given to economic policies and, at the same time, will reduce social unrest and legitimate economic measures.

2. David Hollenbach's views on justice

This discussion may be greatly enriched by introducing a theological perspective to make it more comprehensive. This new perspective follows Pope Francis' directives for a dialogue between faith and reason, theology and empirical sciences (*Evangelii Gaudium*, 242). Drawing from the tradition of moral theology, the present Spanish social situation can be illuminated by the work of U.S. moralist David Hollenbach and his research on approaching justice through Christian social ethics.

Hollenbach is highly esteemed for his work developing a systematic approach to the categories of justice, common good and human rights¹². As is clear from a close reading, Hollenbach's thought has many links to Cortina's views and their positions are quite complementary. Moreover, Hollenbach's thought is able, at the same time, to synthesize the main categories of Catholic social thought and present them in an original and compelling way.

Maybe the clearest common point between Cortina's reflections and Hollenbach's position is in their views on what is meant by a just society. As has been mentioned above, Cortina considered that a justice State is one which ensures some minimum and decent social conditions to its citizens. In turn, Hollenbach, in his outline of the theory of justice, defines it, in his words, as "a minimal level of social solidarity that is required if persons are to be treated as members of society at all"¹³. When this minimum is not met, he speaks of marginalization, that is to say, "exclusion from social life and from participation in the common good of the human community"¹⁴. This minimum participation is identified with basic human rights which express the basic requirements of human dignity¹⁵. Therefore, Hollenbach's theory of justice is based on human rights, a connection that is lacking in other authors like Rawls¹⁶, and relegates them to the category of the common good by helping to make it more precise.

Drawing from Thomas Aquinas and the tradition of Catholic social thought, Hollenbach identifies diverse dimensions in justice: commutative justice or reciproc-

¹² Cf. JULIO L. MARTÍNEZ, *Libertad Religiosa Y Dignidad Humana: Claves Católicas de Una Gran Conexión*, San Pablo-Universidad Pontificia de Comillas, Madrid 2009, 270.

¹³ D. HOLLENBACH, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, Paulist Press, New York 1979, 198.

¹⁴ D. HOLLENBACH, *The Common Good and Christian Ethics*, Cambridge University Press, Cambridge 2002, 198.

¹⁵ Cf. D. HOLLENBACH, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 151.

¹⁶ Cf. J. MAHONEY, *The Challenge of Human Rights: Origin, Development, and Significance*, Balckwell Publishing, Malden 2007, 112.

ity in the exchange between two persons; distributive justice or the way a society shares its common good among its members; contributive justice or the possibility for every member of society to contribute to the common good and social justice or the social institutions that determine the way a society works¹⁷. The minimum of social solidarity that justice demands in Hollenbach's view includes not only the distribution of goods but also the possibility to contribute to the common good. For Hollenbach, justice is not just a matter of distribution of goods but of participation in the life of society.

There is a clear parallelism between Cortina's and Hollenbach's understanding of justice as both want to identify a minimum in terms of living conditions and liberty that can be called just. Their positions are ultimately not just parallel but complementary because Hollenbach's development on these issues allows us to further Cortina's proposal for a justice State.

While proposing his view on justice in his 2002 book *The Common Good and Christian Ethics*, Hollenbach quotes the 1986 document of the U.S. Catholic bishops' *Economic Justice for All* (United States Conference of Catholic Bishops 2006). This document is closely linked to David Hollenbach's work because he had a major role in the drafting of the document. Therefore, this document may help us complete our conception of Hollenbach's approach. In our case, we will consider the episcopal document as an implementation of Hollenbach's ideas for a concrete society he has conceived.

In *Economic Justice for All*, justice is defined as "minimum levels of participation in the life of the human community for all persons"¹⁸. The document also defines more clearly what it means by "minimum levels". For the U.S. bishops, those basic demands of justice correspond to the human rights of every person, in its words, "the prerequisites for a dignified life in community"¹⁹. These rights are "bestowed on human beings by God and grounded in the nature and dignity of human persons".

3. A minimum of social conditions

Therefore, following Hollenbach's view, Adela Cortina's justice State and her search for a minimum of social conditions may be identified with the demands formulated by universal human rights in its distinct formulation and progressive development. With the inclusion of social rights, the universal declaration reflected the famous four liberties formulated by Franklin Delano Roosevelt in his 1941 discourse to Congress: Freedom of speech, freedom of worship, freedom from want and freedom from fear. These social rights were formulated in the text of the Universal Declaration of Human Rights which identifies basic social rights as: a social security system (art. 22); work (art. 23); rest and leisure (art. 24); a minimum standard of living in terms of food, clothing,

¹⁷ Cf. D. HOLLENBACH, *The Common Good and Christian Ethics*, 193-200.

¹⁸ UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy*, United States Conference of Catholic Bishops, Washington D.C 2006, par. 77.

¹⁹ *Ibid.*, par. 79.

housing, medical care; unemployment provisions (art. 25); assistance for motherhood and parenthood, education (art. 26)

However, it is not so easy to identify these specific conditions. Cortina herself is critical of the Universal Declaration of Human rights because in article 25, when describing social rights, it affirms that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family”. Therefore, the Universal Declaration participates in the ambiguous attitude Cortina denounces in the model of the welfare State: it requires the State to ensure the unlimited demands of increasing people’s satisfaction. Moreover, in article 22, these social rights are conditioned by “the organization and resources of each State”. This assertion, together with the previous one, connotes for Cortina that social rights are ultimately dependent on the will of each State to do whatever is most convenient for it²⁰.

But there are still other resources in order to specify the demands of these social rights. The 1966 International Covenant of Social, Economic and Cultural Rights wanted to define the current demands of the newly defined social rights more concretely. There the States who signed the covenant involved themselves in ensuring these rights, in the words of the document, “to the maximum of (their) available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant” (art. 2) This affirmation seems again to relativize the authority of social rights just as Cortina criticizes. However, Natalia Álvarez Molinero, in her study of this covenant, considers that these assertions on the progressivity of rights do not reduce their obligatory character. In her opinion, the covenant merely wants to approach the situation realistically. Neither the condition of the available resources nor the progressivity of the fulfilling of rights mean that social rights are not obligatory or that they can be delayed indefinitely²¹. Álvarez Molinero also points out how the covenant affirms that the fulfillment of these social rights entails some kind of international collaboration in case the resources of an individual State are insufficient.

But in this effort to clarify as much as possible the minimum political and living conditions that human rights imply, it is also possible to shed light on this controversy through Catholic social teaching. Social rights were incorporated into Catholic social teaching in the 1961 encyclical *Pacem in Terris*. As can be seen in the actual formulation of social rights in this magisterial document, Catholic social teaching does not include the relativization of the right that Cortina criticizes. In paragraph 1, *Pacem in Terris* asserts:

But first We must speak of man's rights. Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and, finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill health; disability stemming from his

²⁰ Cf. A. CORTINA, *Ciudadanos del mundo. Hacia una teoría de la ciudadanía*, 86-87.

²¹ Cf. N. ÁLVAREZ MOLINERO, *La Declaración Universal de los Derechos Humanos en su cincuenta aniversario*, Universidad de Deusto, Bilbao 1999, 129.

work; widowhood; old age; enforced unemployment; or whenever through no fault of his own he is deprived of the means of livelihood.

As we see, this paragraph speaks of “proper development of life”, without mentioning the idea of an unlimited wellbeing. The concrete elements of that proper development of life are very similar to the ones mentioned in the 1948 Universal Declaration of Human Rights. Moreover, there is no reference to any limitation of these rights due to the conditions of the State.

Therefore, although it is necessary to define more precisely the implications of present social rights, they are already quite clear in the present documents, which makes them very appropriate to indicate the minimum social conditions a State should ensure for its population.

4. Priorities for social expense

But, as the article from the *Revista de Fomento Social* says, there is not only the need to agree on a minimum of social conditions but also on some priorities that could help direct public expense²². This minimum represents a lower bound to what could be considered fair regarding the demands for solidarity. Nevertheless, Hollenbach affirms that “solidarity can be attained to a greater or lesser degree”²³ and, of course, he encourages raising the level of solidarity a society can attain. In this sense, Kate Ward and Kenneth Himes have recently called to our attention the need, in Catholic social thought, to go beyond achieving just minimum living standards and moving toward a greater equality in society as an answer to solidarity²⁴. Therefore, many times it is important and necessary to ensure other social rights beyond a minimum for the neediest. However, at the same time, today it is clear that public expense should be reduced as a necessary measure to cope with the economic crisis. Therefore, the challenge is developing priorities that could be a constant criterion with which to choose where and how much to expend of the public budget when facing social needs.

Again it is evident how Hollenbach’s ethical framework allows us also to face this demand for priorities. One of Hollenbach’s first publications, his book *Claims in Conflict*, approaches human right issues with one idea in mind: it is not possible to answer every claim a person makes, many of these claims are “in conflict”. Therefore, it is necessary to find ways to discern which claims should be answered²⁵. It is interesting to note how similar Hollenbach’s concern is to our own today.

Hollenbach sets out with a starting point for his reflection: any approach to human rights based on political philosophy or social sciences will never be completely

²² Cf. “Crisis Económica Y Derechos Sociales Irreductibles. Valor de La Dignidad Humana Como Criterio Para Los Derechos Sociales”: *Revista de Fomento Social* 271 (2013) 200.

²³ D. HOLLENBACH, *The Common Good and Christian Ethics*, 190.

²⁴ Cf. K. WARD AND R. H. KENNETH, “‘Growing Apart’: The Rise of Inequality”: *Theological Studies* 75 (2014) 130-31.

²⁵ D. HOLLENBACH, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 7.

capable of explaining the integrity of the human condition, which is why there will always be conflicts among different rights when trying to implement them²⁶. The way to face those conflicts is to determine priorities between rights. In fact this search for a certain hierarchy among rights has been a constant in their history²⁷ as is a demand for Catholic social teaching²⁸. These priorities are dependent on the views that societies have on the human being and human communities²⁹. Therefore, religious symbols, theological doctrines and intuitions coming from faith and love have something to say to develop these priorities³⁰.

When dealing with the distribution of goods in society, Hollenbach recalls the role of distributive justice in traditional Catholic moral theology. Distributive justice, in Hollenbach's words, "orders the exercise of competing rights claims in such a way that no one... is excluded from participation in those goods which are essentially social"³¹. Therefore, distributive justice ensures a fair participation of every member in society in the common good of the society. The traditional Catholic moral concept of social justice would mean the exigency of legislation and institution that fulfill distributive justice demands.

In order to offer guidance regarding distributive justice demands and avoid marginalization, Hollenbach himself proposes several priorities to follow when fulfilling right claims. He refers to them as priority principles or strategic moral priorities, not just arbitrary policies. Thus they are normative ethical standards³². These principles are:

1. The needs of the poor take priority over the desires of the rich.
2. The freedom of the dominated takes priority over the liberty of the powerful.
3. The participation of marginalized groups takes priority over the preservation of an order which excludes them.

These three principles, therefore, touch upon the main dimension of social life: basic human needs, political freedom and social participation and association. They become a way to face the challenges in the conflicts of rights and a practical way to continue developing human rights argumentation³³.

²⁶ Cf. *Ibid.*, 132-133.

²⁷ Cf. J. MAHONEY, *The Challenge of Human Rights: Origin, Development, and Significance*, 79ff.

²⁸ Cf. J.M. CAAMAÑO, "Dignidad y Derechos Humanos", in *Pensamiento Social Cristiano Abierto Al Siglo XXI. A Partir de La Encíclica Caritas in Veritate*, Sal Terrae, Santander 2014, 114-116.

²⁹ Cf. D. HOLLENBACH, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 108.

³⁰ Cf. *Ibid.*

³¹ *Ibid.*, 155.

³² *Ibid.*, 204.

³³ *Ibid.*, 206-207.

Following Hollenbach's inspiration, the U.S. bishops also proposed several practical priorities in economic decision-making in their document *Economic Justice for All*³⁴. The bishops' priorities represent an interpretation of Hollenbach's that is better adapted to the social reality there are facing. The bishops reformulate their priorities below:

1. Fulfilling the basic needs of the poor is of the highest priority.
2. Increasing the active participation in economic life of those who are presently excluded or vulnerable is a high social priority.
3. The investment of wealth, talent, and human energy should be especially directed to benefit those who are poor or economically insecure.
4. Economic and social policies as well as the organization of the working world should be continually evaluated in light of their impact on the strength and stability of family life.

What clearly emerges from both sets of priorities is an application of the principle of a preferential option for the poor, as Catholic social thought has later formulated in *Sollicitudo Rei Socialis* paragraph 42 and in the *Compendium of the Social Doctrine of the Church* 182-184. Writing long before the preferential option for the poor was received in Catholic social teaching Hollenbach affirmed that "the doctrines and symbols of the Christian faith lead to a notion of community which especially emphasizes care for the weak and the needy"³⁵. In order to reaffirm this perspective as being very appropriate for the design of a social policy, it is useful to approach another American theologian, Thomas Massaro, who includes the preferential option for the poor among the criteria for developing a new US welfare policy. Massaro defines this option for the poor as "the recognition of the full social membership of the least advantaged"³⁶. For him this is one of the principles that should shape any welfare policy.

These priorities, as originally formulated by Hollenbach or in the bishops' version, represent an initial answer to the *Revista de Fomento Social's* demand on how to face budget cuts with social sensibility. However, because of the amount of time that has passed since these sets of priorities were proposed, they should be reconsidered and updated in function of today's context. In this sense, it is possible to identify two main points that should be taken into account in order to reformulate these priorities: global migrations and ecology.

³⁴ UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy*, par. 90-93.

³⁵ D. HOLLENBACH, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 131.

³⁶ T.J. MASSARO, *United States Welfare Policy: A Catholic Response*, Georgetown University Press, Washington D.C. 2007, 38.

4.1. Widening the scope of priorities

Since, as Hollenbach asserts, priorities among rights depend on the view taken of the human being and human community, it is possible to reshape them while deepening our understanding of both. Hollenbach's priorities, developed thirty years ago, are centered especially on social rights and the redistribution of wealth inside a concrete society. Because the scope of this article has to do with present-day Spanish society and its European context, it would be important to take into account their present social conditions in order to reformulate these priorities.

When looking at the present situation of the Spanish society, one can identify two new elements that would be important to integrate into our ethical framework: the presence of large numbers of migrants and the concern for ecology. These two elements are significant for our reflection because they are not considered a priority and, therefore, they tend to be put aside as soon as some budget cuts are to be implemented. As shown below, both can be reconsidered in light of Hollenbach's ethical framework. This effort will show us that, in fact, they have implications in terms of those basic rights that should be ensured.

In fact, there is a certain consensus on the importance of both elements, migrations and ecology. For example, the Commission of European Bishops' Conference mentions both two elements as two items to be integrated into the new social market economy model they demand for Europe. On the one hand, European bishops recall the growing need in Europe of workers from other parts of the world and they demand that, in their words, "the value of human beings... [t]heir inalienable fundamental rights must be respected"³⁷. On the other hand, the bishops make their own those affirmations of the European Union Treaty asking for environmental protection. They assert that "our responsibility for Creation obliges us to respect the economic and ethical principle of sustainability" and that "[w]ithout a systematic integration of ecological factors, neither economic competitiveness nor social justice can be achieved in the long run"³⁸. Therefore, the demand for an economic model at the same time adapted to the globalized economy and attentive to today's social situation ought to have a word to say about the migrant population present in European societies and about the effort to stop ecological degradation.

In fact, it is easy to integrate these two elements following Hollenbach's ethical framework to evaluate how just a society is. As mentioned above, Hollenbach's theory of justice is based on the Thomistic category of common good: a just society is one in which every citizen has a minimum of participation and contribution to the common good of the society. This common good is understood by Hollenbach as "the good shared with others in community" in opposition to the good of the individual³⁹. Both

³⁷ COMMISSION OF THE BISHOP'S CONFERENCES OF THE EUROPEAN COMMUNITY. 2012. "A European Community of Solidarity and Responsibility: A Statement of the COMECE Bishops on the EU Treaty Objective of a Competitive Social Market Economy." January 12. <http://issuu.com/comece/docs/8430a5943a9581841bca809c8994d7c3/1?e=0>, par. 19.

³⁸ *Ibid.*, par. 21.

³⁹ D. HOLLENBACH, *The Common Good and Christian Ethics*, 4.

migrations and ecology are two issues that can be ethically analyzed using the same category of common good.

Regarding the new situation introduced by growing numbers of migrants, David Hollenbach's thought may be approached to see how he has developed his reinterpretation of traditional Catholic common good for the globalized world. In his book *The Common Good and Christian Ethics* he affirms that, in his words,

The increased interactions among the peoples of diverse nations of the world today require a revitalized understanding of the common good they share. It also calls for the expansion of more traditional conceptions of the common good beyond the borders of individual nation-states⁴⁰

The economic dimension of the globalization process and its consequences in terms of health and environment prove that there is a global common good shared by all humans beyond the borders of their States⁴¹. When saying this, Hollenbach was just developing John XXXIII's assertions on universal common good in *Pacem in Terris* 133. Thus, humans should be first considered as members of a common human family and only then as members of a distinct state.

This view of human beings and global common good should expand the conception of justice beyond the mere attention to national citizens. Justice, as a minimum participation in the common good should also be applied to migrants forced to reside in a foreign country. The American theologian Kristin Heyer defends from this viewpoint the need for a State to ensure political and socioeconomic rights to migrants residing in it, in her words: "In the case of a political community neglecting to secure basic socioeconomic or political rights for its members, the community has failed in its obligations qua political community"⁴².

It is true that it will not be possible to demand full political rights and participation for migrants given the fact that States will always have an important role in controlling the borders and determining immigration policy⁴³. Therefore, it seems logical to reserve full political participation to members of the State. However, putting this aside, there is a wide horizon of social and civic rights to be ensured for migrants in response to their human dignity. In this sense, it would be necessary to ensure them a decent level of life and to facilitate a minimum participation in society in terms of work, culture and civil association.

Regarding ecological issues, one of the main current ethical argumentations in this field is based on a renewal of Thomistic common good and natural law⁴⁴. Michael

⁴⁰ *Ibid.*, 212.

⁴¹ *Ibid.*, 216.

⁴² K.E. HEYER, *Kinship across Borders: A Christian Ethics of Immigration*, Georgetown University Press, Washington D.C. 2021, 113.

⁴³ *Ibid.*, 110.

⁴⁴ Cf. N.P.G. AUSTRIACO, "Living the Natural Moral Law and Respecting the Ecological Good", in *Green Discipleship: Catholic Theological Ethics and the Environment*, edited by Tobias Winright, Anselm Academic, Winona, MN 2011, 150-62.

Northcott proposes to review the natural law tradition in the sense of including the good of non-human creation in the global common good. Non-human creation would necessarily be ordered for human good but the good of both would be deeply interrelated and it would be also possible to identify a just treatment of non-human creation⁴⁵.

Therefore, from this point of view, when defining what a justice state is, it would be possible to determine the distributive dimension of justice following Hollenbach's framework regarding what every citizen has the right to receive in terms of a healthy environment. This conception will be in line with the idea of the human right to a healthy environment as formulated in the 1972 United Nations Declaration on Environment. The Spanish theologian Ildefonso Camacho stresses the importance of this new line of development for human rights as well as the challenges it entails⁴⁶. Prof. Camacho reminds us also that this right to a healthy environment requires not only resources from our own State, but they also demand necessary international collaboration to face global problems.

However, going even further, Northcott's "deep ecology" approach speaks of a just treatment toward non-human creation based on its own essential worth. Such a view is the fruit of thinking inside a new paradigm in which the cosmos, and not humans, are in the center. Leonardo Boff speaks of such a paradigm as ecozoic⁴⁷. In order to argue this respect for each creature's inner value, we can approach Sallie McFague's train of thought because it is close to the category of common good. McFague invites us to think of ecology from a community model: the specificity of this model is, in her words, that "the wellbeing of the whole is the final goal, but that this is reached through attending to the needs and desires of the many subjects that make up the community"⁴⁸. Finding oneself to be a member of the community of human and non-human creation helps to develop respect for every being that has its own reason for living, its own intrinsic value within the community at large⁴⁹.

4.2. *New priorities for the 21st century*

Using these new elements to complement our point of view and building on Hollenbach's reinterpretation of Thomistic common good, priorities in terms of rights may be redefined in the following way:

⁴⁵ Cf. M.S. NORTHCOTT, *The Environment and Christian Ethics*, Cambridge University Press, Cambridge 1996, 269.

⁴⁶ Cf. I. CAMACHO, *Derechos Humanos: Una Historia Abierta*. Discursos Inaugurales, Facultad de Teología de Granada, Granada 1994, 88-93.

⁴⁷ Cf. L. BOFF. *La Sostenibilidad. Qué Es Y Qué No Es*, Sal Terrae, Santander 2013, 91.

⁴⁸ S. MCFAGUE, *Super, Natural Christians: How We Should Love Nature*, Augsburg Fortress, Minneapolis 1997, 158.

⁴⁹ Cf. *Ibid.*, 151.

1. The needs of the poor, including those of migrants, as well as the need for a wholesome environment take priority over the desires of the rich.
2. The maximum freedom of those excluded that is possible for each group of any origin and situation living within society takes priority over the liberty of the powerful.
3. The maximum possible level of participation of marginalized groups of any origin and situation living in society, takes priority over the preservation of an order which excludes them.

As seen, the option for the poor would continue to shape these priorities; the difference would now be the explicit inclusion of migrants in the new set. Also, the needs of the environment would be included in the priority related to basic needs. This reference to the environment should not be understood exclusively in a utilitarian sense, that is to say, as a helpful approach to preserving the environment. This reference to the environment should be inspired by the intrinsic worth of nature that demands respect at the same time that it ensures the quality of life.

In this sense, there is a deep connection between the option for the poor and taking care of creation in so much that pursuing one of them means seeking the other. The poor are the ones most affected by the deterioration of the environment, but also not only are the poor those who are most affected by the deterioration of the environment, but also the environment itself is truly affected, needy and oppressed. For the eco-theologian Sallie McFague, Christianity introduces the lens of the preferential option for the poor in the ecological movement. McFague asserts that, in her words, "Christianity says that 'nature is the new poor' or the 'also poor' which, in unity with poor people, commands our special attention"⁵⁰. She feels in fact that many times the concern for the neediest human beings and for the neediest part of nature is necessarily related.

With respect to the priority referring to participation, migrants are included in this new set. It is therefore necessary to point out the possible limits to their actual participation in society, particularly in terms of politics. Therefore, the present formulation acknowledges this possible limit although it demands going as far as possible to include the participation of migrants. Often this could be accomplished through various civic activities and through work. The participation of migrants in society in any way is always a privileged way to make them feel they are part of the community and have something to offer. Benedict XVI asserted in the 2013 Message for the World Day of Migrants and Refugees that "real integration in a society (is) where all are active members and responsible for one another's welfare, generously offering a creative contribution and rightfully sharing in the same rights and duties"⁵¹. Therefore, it is necessary to facilitate the migrant's participation in society by any means and as much as possible.

⁵⁰ S. MCFAGUE, *Super, Natural Christians: How We Should Love Nature*, 170.

⁵¹ BENEDICT XVI, "Migrations: Pilgrimage of Faith and Hope. Message for the World Day of Migrants and Refugees," *The Holy See*. http://www.vatican.va/holy_father/benedict_xvi/messages/migration/documents/hf_ben-xvi_mes_20121012_world-migrants-day_en.html.

5. Conclusion

The *Revista de Fomento Social* asserted in the article previously quoted that, when facing current cuts in public expense, the social State cannot be dismantled. The article affirms that “[t]he social State cannot lose its condition of a State of justice, because justice – and specifically social justice – is the foundational axis of the State”⁵². The economic model of social market economy cannot be changed into something different with the excuse of changing economic conditions, although it can be ameliorated.

From this article emerges an answer to this dilemma of how to transform the social State without changing it through two different types of efforts: on the one hand, by defining some social minimums that are not to be discussed in terms of public social expenses; on the other, by setting priorities to decide on any further expenses beyond that. Cortina thinks the goal is to renounce a State that tries to answer every possible need or dissatisfaction of its citizens, and to move toward a state that assures an objective minimum that in justice is due to every citizen. She calls this model a justice State.

This article has tried to show how the tradition of moral theology offers us actual resources and a moral framework to consider Cortina’s demand. David Hollenbach’s theory of justice identifies minimum social and political rights and offers priorities in order to choose between competing rights.

This article has endeavored to show Hollenbach’s contribution and to suggest some directions in which it can be developed to provide an answer to today’s challenges which have been identified as global migrations and ecology, both being issues that can easily be integrated into Hollenbach’s moral framework. This redefinition of Hollenbach’s priorities provides us with an orientation to deal with reducing resources when faced with unceasing demands.

Considering how circumstances have evolved in Spain since the beginning of the economic crisis, any observer would conclude that there has been no reflection at all in Spanish society on the priorities or minimum levels of social rights. Such a lack facilitates decision-making that goes against the core of the social State model and questions its justice. The present reflection shows us that the effort of reducing public expenses is not incompatible with a concern for the situation of the poor in society: the key is to make the poverty-stricken the central point of our decisions and prioritize options from this point of view.

⁵² “Crisis Económica Y Derechos Sociales Irreductibles. Valor de La Dignidad Humana Como Criterio Para Los Derechos Sociales”, 181.